

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Village of DeForest for the Establishment of a Public Crossing of the Soo Line Railroad Co. Tracks with Murrey Street in the Village of DeForest, Dane County

9150-RX-542

FINAL DECISION

By letter dated June 21, 2004, the Village of DeForest petitioned the Office of the Commissioner of Railroads (OCR) for the establishment of a public crossing of Murrey Street with the Soo Line Railroad Co. (Soo Line – also known as CP Rail) tracks located in the Village of DeForest, Dane County. (While street signs in the Village identify the roadway as “Murray Street”, the official name on file with the Register of Deeds is “Murrey Street”.)

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on July 29, 2004 in DeForest, Wisconsin with hearing examiner Douglas S. Wood presiding.

On August 3, 2004, the hearing examiner issued a proposed decision that recommended denial of the petition for the establishment of a new Murrey Street crossing. On August 24, 2004, the DOT filed comments supporting the proposed decision. The Commissioner adopts the proposed decision as final without change.

Appearances:

Parties

Village of DeForest, Petitioner
by
Rick Eilertson, PE
Public Works / Utilities Director
205 DeForest Street
DeForest, WI 53532

In Opposition:

Wisconsin Department of Transportation
by
Mark Morrison, PE
Grade Crossing Safety Engineer
PO Box 7914
Madison, WI 53707-7914

Soo Line Railroad Co.
by
Jim Krieger, Manager Public Utilities
501 Marquette Avenue South
Minneapolis, MN 55402

Findings of Fact

THE COMMISSIONER FINDS:

The Village of DeForest proposes to establish a public crossing of Murrey Street with the Soo Line Railroad Co. tracks. The Village proposes to extend Murrey Street and Yorktown Road in the 2005 construction season. The extended roadway would cross the Soo Line track about 0.32 miles (1689') north of the existing Vinburn Road crossing and about 0.25 miles (1320') south of the existing Commerce Street crossing.

The proposed extension of Murrey Street would be 40' wide between face of curbs with a 4'-wide sidewalk located 7' behind the curb on the north side. Murrey Street would intersect the tracks at an angle of about 90°. The crossing would consist of one mainline track. However, there is also a switch to a run-around track that would be located in the middle of the street. A switch should not be located in a crossing. The cost to move the switch would be approximately \$80,000 to \$90,000.

Murrey Street would intersect with Market Street about 80' west of the crossing (measured between the east curb line of Market Street to the near rail).

The Village projects that Murrey Street would carry 380 ADT (average daily traffic) at a legal speed limit of 25 mph. Murrey Street continues west from Market Street and intersects with CTH 'CV' (Main Street) about 500' to the west. CTH 'CV' (Main Street) is the major north-south roadway extending through the Village.

The railroad currently operates 2 through train movements per day over the proposed crossing location at a speed of 10 mph. The railroad also operates switch movements into the Chase Lumber yard on an as needed basis.

However, this line of track between Madison and Portage has been designated as part of a high-speed rail corridor. While Congress has not yet appropriated funding for high-speed rail, funding is under active consideration. The Wisconsin Department of Transportation is proceeding with plans for high-speed rail between Milwaukee and Madison, including the purchase of right-of-way. DOT is also investing approximately \$10 million to upgrade the line of track involved in this matter in the area near the Dane County Regional Airport. DOT projects that once funding is approved high-speed rail operations would commence between Milwaukee and Madison within 3 years and between Madison and Portage within another 3 years. High-speed rail operations on this line of track must be considered as a realistic possibility in evaluating this proposed crossing. High-speed operations would likely travel between 79 mph and 110 mph through the Village.

Sight distance is poor in all four quadrants of the proposed Murrey Street crossing due to trees in three quadrants, a house in the southwest quadrant, and Chase Lumber storage in the northwest quadrant.

The Murrey Street crossing would primarily serve residents of the new High Field Terraces West development by providing a slightly more direct connection for residents to CTH 'CV' (Main Street) and the post office. Some residents living west of the tracks would use Murrey Street for a slightly more direct route to the DeForest High School. At most the Murrey Street route would decrease travel time by 2 minutes. However, even that small decrease in travel time would only apply to residents near to Murrey Street. For residents living closer to Vinburn Road or Commerce Street the time saving would be far less or none.

There are 3 existing crossings that are relevant to an evaluation of this proposed new crossing. The Holum Street crossing is about .34 miles north of Murrey Street, the Commerce Street crossing is about .25 miles north of Murrey Street, and the Vinburn Road crossing is about .32 miles south of Murrey Street. Each of these three east-west streets connects to CTH 'CV' (Main Street) on the west.

East of the tracks, a relatively direct route using Stevenson Street, Jefferson Street, and Southbound Drive connects Holum Street to Vinburn Road. Emergency medical and fire services are based at 305 E. Holum Street and would use the Stevenson/Jefferson/Southbound corridor rather than the Murrey Street crossing to serve residents in the High Field Terraces West subdivision.

The establishment of the crossing at-grade of the Soo Line Railroad Co. tracks with Murrey Street would not promote public safety and convenience. The crossing would be redundant and unnecessary. The existing crossings at Vinburn Road, Commerce Street, and Holum Street provide adequate access across the tracks. North-south routes on the west [CTH 'CV' (Main Street)] and the east (Stevenson/Jefferson/Southbound) conveniently connect the three east-west streets that have existing crossings. Establishment of the crossing would decrease travel time by a small amount for a relatively few residents.

Establishment of the crossing would not improve public safety. In general the more crossings that serve a given amount of traffic, the more train-vehicle accidents will occur. In particular, new crossings on the high-speed rail corridors are disfavored due to the extreme consequences of train-

vehicle accidents involving trains traveling 79 mph to 110 mph.

The proximity of the Market Street intersection is also a less-than-ideal condition. Vehicles turning from Market Street toward the track would immediately encounter the crossing. Likewise, eastbound drivers on Murrey Street would be distracted from the crossing by the presence of the intersection immediately before the crossing.

In addition, establishing a crossing at this location would be an expensive proposition. The OCR typically assigns all costs necessary to safely establish a new crossing to the proponent of the crossing, in this case the Village. If the crossing were approved, the Village would have been ordered to pay for the crossing itself (approximately \$30-40,000), moving the switch (\$80-90,000) and installing automatic flashing lights and gates (approximately \$180,000).

Establishment of the Murrey Street crossing would receive more favorable consideration if the Village proposed the closure of the crossing at Commerce Street in conjunction with a new crossing at Murrey Street. That crossing consolidation would not result in net increase in the number of at-grade crossings. The crossings would also be spaced better since at present the Commerce Street crossing is only about 500' from the Holum Street crossing. The Murrey Street crossing would then be less redundant. However, the costs outlined above would still be incurred.

The Village did express an interest in establishing a pedestrian/bicycle crossing if the roadway crossing were denied. Installing the pedestrian crossing at Murrey Street would still be problematic because of the presence of the switch. A pedestrian crossing should also not be installed at a switch point. Thus, either the switch would still need to be relocated or, more likely, the pathway would need to be routed to the south, across the tracks and back to the north. Since pedestrians tend to avoid circuitous routes, this layout might not be advisable.

A potentially more favorable location was identified farther south from Murrey Street at a location where pedestrians are apparently already crossing the tracks at an unimproved location. Establishing a pedestrian/bicycle crossing would require a separate petition and hearing. It should be noted the OCR recently approved a pedestrian/bicycle crossing in Madison on the Madison-Milwaukee high-speed rail line with the proviso that the City of Madison would be responsible for the cost of safety improvements required when high-speed operations commence.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the establishment of the crossing at-grade of Murrey Street with the Soo Line Railroad Co. tracks in accordance with the design plans of the Village of DeForest in the Village of DeForest, Dane County would not promote public safety and convenience.
2. That establishment of the crossing is not advisable under all the circumstances.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the petition of the Village of Deforest to establish a crossing at-grade of Murrey Street with the Soo Line Railroad Co. tracks in the Village of DeForest, Dane County be **denied**.

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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